

Date: 11/25/2013

To: FCC

RE: CC Docket No. 02-6

E-Rate - Waiver Request for 2012

From: West Oso ISD

Lisa Williams, Consultant

Introduction

History of this Waiver Request

November 25, 2013

FCC

CC Docket No. 02-6

To Whom It May Concern:

West Oso ISD, entity number 141629, received a Selective Review document dated 12/14/2012 which included information concerning FRN 2334699 on application number 858082. The document stated that the funding for the FRN would be denied. A waiver was delivered to the FCC in April 10, 2013 in regard to this FRN. Inquiry was made to Naomi Riley at the FCC after April 10, 2013, to determine the status of this waiver request. Naomi could not find this waiver listed in the system. The documentation of the UPS delivery date and person who signed for the packet on 04/10/2013 is included in this packet.

West Oso ISD sent another copy of the waiver to the FCC as Naomi suggested. This waiver was dated July 10, 2013. An inquiry was made November 22, 2013 concerning the status of this second (2nd) copy of the waiver and Naomi stated that she could find no record of receiving it.

A copy of the UPS "Proof of Delivery" was sent to Naomi on 11/22/2013 and she forwarded this piece of data to James Bachtell at the FCC. James Bachtell called Lisa Williams, our consultant, on 11/25/2013, and recommended that another copy be sent via the FCC online portal and a copy emailed to him.

Please take this information into consideration when reviewing the waiver dated 7/10/2013.

Respectfully submitted,

West Oso ISD

July 10, 2013

Request for Waiver

CC Docket No. 02-6

To Whom It May Concern:

We are writing this request for a waiver of the sixty day limitation of an appeal. This is in regard to the FCC Form 471 # 858082 and FRN 2334699 for Funding Year 2012.

Appellant

Contact Name: Kevin Witte

Authorized Person: Maria San Miguel

Address: 2101 W Loop 340, P.O. Box 23409, Waco, TX 76702

Telephone Number: 254-297-2924

FAX Number: 855.372.8312

E-Mail Address Contact Person: kwitte@esc12.net

Applicant Name: West Oso Independent School District

Billed Entity Number: 141629

Form 471	858082
FRN	2334699
SPIN	143028010
Pre-discount Amount	\$5,905.92

Explanation of Request of Waiver

We are writing to request a waiver of the 60 day limitation for an appeal due to:

1. In the recent FCC order DA 13-1422 released June 21, 2013, the FCC stated that "Given that Midlothian ultimately selected the least expensive service offering, despite the ambiguity as to whether it assigned the highest weighty or value to price in its vendor evaluation process, we find that the outcome of Midlothian's vendor selection process was consistent with the public interest to waive sections 54.503 and 54.511 of the Commission's rules, which require the applicants to use price as the primary factor in the vendor selection process, with respect to the funding request identified herein. This finding is consistent with precedent finding good cause for waivers in comparable circumstances. We therefore ... remand the underlying application to USAC for further action consistent with this order. We...waive section 54.507(d) of the Commission's rules and applicable USAC procedural deadlines, such as the invoicing deadline, that are necessary to effectuate our ruling. We find good cause to waive section 54.507(d) and applicable USAC procedural deadlines because filing an appeal is likely to cause the petitioner to miss the program's subsequent procedural deadlines in that funding year."

2. This decision was released June 21, 2013 and our denial of funding due to similar circumstances was stated in an FCDL dated April 30, 2013. We found/read this Order July 9, 2013 which is past the 60 day window for an appeal to USAC.
3. We further attest that there is no intention to defraud the system in any way by this appeal request.

Background:

During a Selective Review Information Request, SRIR, we were denied funding of FRN 2334699 resulting in a Funding Commitment Decision Letter with \$0.00 funding commitment decision based on "a bidding violation where price was not the primary bid evaluation factor in selecting the winning bidder". We submitted evidence demonstrating that changing the primary bidding factor (to be the price) did not change the winning bidder.

Conclusion:

The FRN 2334699 should be funded based on the recent FCC ruling DA 13-1422.

If granted the waiver, West Oso ISD would like the application to be remanded to USAC for further consideration of FRN 2334699 in accordance with the terms of the Order DA 13-1422.

When the FCC allows this waiver to be meritorious, West Oso ISD will be able to fulfill its commitment to its students for full, robust connectivity to global resources which would not be possible without E-Rate support.

Sincerely,

Kevin Witte
E-Rate Consulting Personal E-Rate Partner
West Oso ISD

Enclosures: Five

Enclosures

FCC Order - DA 13-1422	A
Funding Commitment Report.....	B
USAC Follow up by Dhara Patel, Selective Reviewer	C
E-Rate Bid Assessment Worksheet – Price 25%.....	D
E-Rate Bid Assessment Worksheet – Price 40%.....	E
Email – Naomi Riley, FCC Status of Waiver sent July 2013....	F
UPS Tracking Information.....	G